

**Rejections Under 35 U.S.C. §112**

Claims 12 and 13 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which is not enabling to one skilled in the art to make or use the invention.

1. The Examiner stated that no enablement is shown for the treatment and prevention of all urinary diseases. The tests set forth on pages 23-27 of the specification are insufficient to support the claims for the treatment and prevention of any all urinary diseases. Additionally, the Examiner notes that the disclosure provides no indication of whether the compounds prevent, reverse, arrest, retard or even alleviate some of the symptoms of a disease.

2. Additionally, the Examiner rejected claims 1-9 under 35 U.S.C. §112, second paragraphs, as the claimed invention according to the Examiner, is not described in such full, clear, concise and exact terms as to enable any person skilled in the art to make and use the same, and/or for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention.

The Examiner sets forth that the unknown substitution and aryl variables are not believed to meet the requirements of 35 U.S.C. §112, first and second paragraphs and that these unknown substituents and aryl groups could easily alter the utility. The Examiner lists the following examples:

- The terms "cycloalkyl", "cycloalkenyl" and "aryl", in the A groups, are not limited from infinity in their carbon size in claims 1-4 and 9. Very large hydrocarbons would be waxes, which would make them unacceptable for pharmaceutical preparations.

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- The expression(s) “which may be substituted by an optional substituent” is employed with considerable abandon throughout claim 1 with no indication given as to what the substituents really are.
- Aryl could be read as aromatic. Some aromatic groups are heterocyclic therefore, the indefiniteness of the claims cause overlap.
- Applicants claim all aryl radicals in A, however, Applicants exemplification cannot be seen to provide adequate representative support for such a claim.
- There are no carbon limits on aryl in claims 1-4 and 9.
- The definition of aryl is varied and the Examiner concludes that Applicants need to indicate what they intend by aryl.
- All aryl radicals are not supported in the specification yet they are claimed. The Examiner notes that Applicants could resolve this point by indicating aryl is phenyl, naphthyl or indicate a carbocyclic aryl of 6 to 10 carbon atoms.

The Examiner also suggests a Markush listing of specific intended, producible rings for “aryl” in claims 1-4 and 9.

3. The Examiner stated that claim 1 fails to clearly claim what is intended by the Applicants and that claim 8 provides evidence that optical isomers are intended. In addition, the Examiner notes that claim 1 does not recite that optical isomers are intended. Therefore, claim 8 is rejected under 35 U.S.C. §112, fourth paragraph, as being of improper dependent form for

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failing to further limit the subject matter of a previous claim. Furthermore, no antecedent basis can be found for optically active substances in claim 1.

Applicants wish to bring the Examiner's attention to page 17, lines 3-8, where it is clearly described that the compound (I) of the present invention includes stereoisomers, tautomers, optical isomers, etc., in separated forms as well as in mixed forms. Accordingly, even if claim 8 does not state "and optical active substances thereof", it is clear that claim 8 includes optical isomers.

However, while disagreeing with the Examiner as to each of the above points as to lack of enablement, lack of use of definitive terms and as to the alleged lack of clarity as to substitution and what constitutes aryl, in order to advance prosecution of this application independent claims 1 and 9 have been amended to define Applicants invention with greater particularity. In addition, It is submitted that these amendments respond to each point raised by the Examiner. Reconsideration and removal of these rejections is requested.

The Examiner indicated that claims 1 and 9 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112 as set forth in this Office Action and rewritten directed solely to the elected subject matter.

Claims 2-8 would be also be considered allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, as set forth in this Office Action and includes all of the limitations of the base claim and any intervening claims and rewritten directed solely to the elected subject matter.

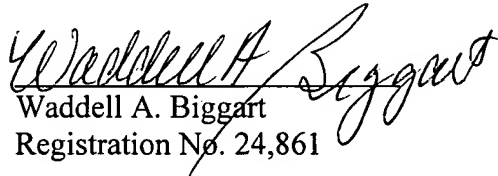
In view of the amendments to claims 1 and 9, Applicants believe the claims overcome the rejections and contain subject matter which would place the case in condition for allowance. In view thereof, early indication of allowance is respectfully requested.

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The Examiner is invited to contact the undersigned attorney in the event questions may arise.

Applicant hereby petitions for any extension of time which may be required to maintain the pendency of this case, and any required fee, except for the Issue Fee, for such extension is to be charged to Deposit Account No. 19-4880.

Respectfully submitted,

  
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